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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Forty-second session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION

Twelfth periodic reports of States parties due in 1992

Addendum

GERMANY*

[3 February 1993]

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* This report combines the eleventh and twelfth periodic reports of Germany, which were due, respectively, on 14 June 1990 and 14 June 1992. For the ninth and tenth periodic reports submitted by the Government of the Federal Republic of Germany and the summary records of meetings of the Committee at which those reports were considered, see:

Ninth periodic report - CERD/C/149/Add.21 (CERD/C/SR/844-845);

Tenth periodic report - CERD/C/172/Add.13 (CERD/C/SR.844-845).

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I. GENERAL

1. In presenting its eleventh and twelfth reports pursuant to article 9 of the International Convention of the Elimination of All Forms of Racial Discrimination, the German Government takes the opportunity to emphasize once again that the proscription of racial discrimination arises from the right to human dignity recognized and guaranteed in the constitution - the Basic Law - of the Federal Republic of Germany.

2. Article 1 of the Basic Law states that:

> "(1) The dignity of man is inviolable. To respect and protect it shall be the duty of all public authority.
>
> "(2) The German people therefore regard inviolable and inalienable human rights as the basis of every community, of peace and justice in the world.
>
> "(3) The following basic rights shall bind the legislature, the executive and the judiciary as directly enforceable law."

3. Combating all manifestations of racism is a fundamental and decisive element of the policies of the Federal Republic of Germany.

4. Wishing to help ensure equal treatment and respect for all nations and races, the Federal Republic of Germany acceded to the International Convention on the Elimination of All Forms of Racial Discrimination as early as 1969.

5. Besides the right to human dignity the Basic Law of the Federal Republic of Germany also guarantees in article 3 (3) that

> "Nobody may be disadvantaged or favoured because of their sex, lineage, race, language, native country or origin, their faith or religious or political opinions."

6. In its 10 reports submitted to date the German Government has shown that the legislation of the Federal Republic of Germany fulfils the obligations under international law contained in the Convention and that the requirements of the Convention are also complied with in practice.

7. The tenth report provided the Committee with a comprehensive report on legislative, judicial, administrative and other measures. Additional questions were answered in detail during the discussion of the ninth and tenth reports.

8. The Federal Government had already prepared its eleventh report - due in 1990 - for submission to the Committee. In agreement with the Committee, however, in view of the accession of the former German Democratic Republic to the Federal Republic of Germany on 3 October 1990, the report was not submitted because it would not have been possible to include sufficient details on the five new federal states (Länder) within the available time.

9. The present report refers to the entire territory of the Federal Republic of Germany, including the former German Democratic Republic (GDR). The GDR's independent membership of the Convention expired with this accession. Thus the reservation lodged by the GDR on 26 April 1973 also ceased to have effect. The Convention now applies without restriction throughout the whole of the Federal Republic of Germany.

10. With the accession of the former GDR, the Basic Law now also applies to the five new Länder. The same is true in principle, with relatively few provisos, for the remaining federal legislation arising from the Treaty of 31 August 1990 between the Federal Republic of Germany and the German Democratic Republic on the Establishment of German Unity (Federal Law Gazette II, pp.889 ff.). Copies of this Treaty in the German, English and French languages are attached as annex 1.

II. INFORMATION RELATING TO ARTICLES 2 TO 7 OF THE CONVENTION

Article 2

(Information on the protection of ethnic groups in the Federal Republic of Germany)

11. The Federal Republic of Germany fulfils the obligations arising from article 2 of the Convention, in particular through the ban on racial discrimination anchored in constitutional law in articles 3 (3) and 1 (3) of the Basic Law.

12. As stated in the tenth report, the Federal Government assumes "certain racial groups" (art. 2, para. 2, of the Convention) to be groups of the German population who differ from the remainder of the German population particularly on the basis of their ethnic origin. There are no statistics on the proportion of German nationals of non-German origin in the total population (31 March 1991: 79.819 million). The figures given are therefore estimates.

A. Protection of minorities

1. The Danish minority in Schleswig-Holstein

13. After the end of the Second World War, the government of Land Schleswig-Holstein undertook to protect the human rights of the Danish section of the population in Schleswig-Holstein. This policy was laid down in the Kiel Declaration on 16 September 1949, whose key sentence is: "The cultivation of Danish customs and culture is open to anyone and may not be contested or verified ex officio."

14. This declaration was then made binding under international law by the German and Danish Governments in the Bonn/Copenhagen Declarations of 29 March 1955 regarding the respective minorities; these declarations contain the following key provisions:

(a) The cultivation of Danish customs and culture is open to anyone and may not be contested or verified ex officio;

(b) Members of the Danish minority and their organizations may not be impeded in the use of spoken and written Danish. The use of Danish before courts and administrative authorities is governed by the relevant legal provisions;

(c) In the case of grants and other benefits from public funds decided on a discretionary basis, members of the Danish minority must not be treated differently than other citizens;

(d) The special interest of the Danish minority in cultivating its religious, cultural and social ties with Denmark is recognized.

15. Principally to enable the Danish minority to be represented politically, the 1953 German Electoral Act for the first time exempted national minority parties from the 5 per cent clause, under which political parties are required to gain at least 5 per cent of the valid votes cast to be represented in parliament. Since 1955, the Danish minority parties have also been exempted from a similar clause for elections to the Schleswig-Holstein parliament. Since 1956, the further provisions on elections to the German Bundestag have facilitated the submission of parliamentary bills by national minority parties.

16. Over the last few years, the South Schleswig Association (SSW), the political organization of the Danish minority, has achieved the following results at the Schleswig-Holstein parliamentary elections:

	Votes	%	Seats
1971	19 720	1.4	1
1975	20 703	1.4	1
1979	22 293	1.4	1
1983	21 807	1.3	1
1987	23 316	1.5	1
1988	26 643	1.7	1
1992	28 245	1.9	1

17. The Danish minority in Schleswig currently gains approximately 28,600 votes in elections. The Danish minority totals roughly 50,000. The precise figures cannot be ascertained because association with the minority is not verified (Bonn Declaration).

18. In 1991 the cultural organization of the Danish minority, the Sydslesvigsk Forening, had a membership of almost 18,000.

19. Schools and kindergartens for the Danish Minority are the responsibility of the Danish School Association, which has about 8,000 members. It is in

charge of 63 kindergartens, which in 1991 were attended by approximately 2,000 children, as well as 53 schools with a total of 5,257 pupils. The schools include the Duborg grammar school in Flensburg and a secondary modern boarding school in Ladelund.

20. The Danish minority also runs an adult education centre school in Jarplund near Flensburg.

21. In 1991 the Danish schools and kindergartens in Schleswig entailed expenditure totalling approximately DM 100 million, of which DM 49.5 million were provided by the Danish Government. Land Schleswig-Holstein provided DM 46.4 million for the Danish schools. In 1985, the Land increased its grant to 100 per cent of the costs incurred to the Land for the education of a pupil at a German state school. The Danish schools are privately run, and their certificates are recognized in both Denmark and Germany.

22. The Danish minority has its own central library, the Dansk Centralbibliothek for Sydslesvig, which is the main local library for adults and children, and includes a mobile library department, a bibliography section and a range of media material. The central library has two main branches in Husum and Schleswig, as well as 110 small branches in schools and kindergartens. In addition, it has two independent divisions - the research department (from 1963) and an archive (from 1989).

23. In 1989, Land Schleswig-Holstein spent DM 43.6 million in support of the activities of the Danish minority. Apart from general education, the support is provided for cultural and youth activities, adult education, health services, the Federation of Agricultural Associations and the political work of the SSW parliamentary party. In addition, local authorities contribute DM 3.9 million annually (1990) towards the activities of the Danish minority. At present Danish minority projects also receive funding from the Federal Ministry of the Interior.

24. The Sydslesvigs Danske Ungdomsforeninger is a youth organization which comprises 77 clubs with some 12,300 members which organize wide-ranging youth activities. It is in charge of recreational centres and sports facilities as well as the amateur theatre "Det lille Teater" in Flensburg.

25. Church activities of the Danish minority are organized by the Evangelical Lutheran Danish church in South Schleswig, which has 44 parishes and 24 pastors. It is independent of the North Elbe Evangelical Lutheran church and the Danish State church, but cooperates closely with Dansk Kirke i Udlandet in Odense, a private organization of the Danish church overseas.

26. The Danish health service for South Schleswig runs its own health centres in Flensburg and Schleswig as well as clinics in Husum and Leck. In addition, there are old people's homes in Flensburg, Leck and Bredstedt as well as a children's home in Glücksburg. Convalescence trips to Denmark are arranged for adults.

27. The cost of the Danish minority's cultural and welfare activities is met by the Danish Government, the Danish border association (made up of numerous smaller organizations totalling some 50,000 members), Land Schleswig-Holstein and private funds.

28. The Danish minority has its own bilingual daily newspaper, the Flensborg Avis. The SSF members' paper Contact, published until 1985, has been replaced by a weekly page in Flensborg Avis.

29. In 1965, a consultative committee on matters concerning the Danish minority was set up at the Federal Ministry of the Interior. The Committee is chaired by the Federal Minister of the Interior and includes members of the German Bundestag, representatives of the Danish minority and the Schleswig-Holstein Minister for Federal Affairs. The Committee meets once a year and deals with domestic affairs concerning the Danish minority. Appropriate solutions are sought in cooperation with the relevant ministries.

2. The Sorbian minority in Brandenburg and Saxony

30. The Sorbian minority comprises some 60,000 members, most of whom live in the Oberlausitz and Niederlausitz area in the Free State of Saxony and Land Brandenburg. They are descended from western Slavs and their history dates back to the year 600. They have kept their culture alive, and particularly their language (High and Low Sorbian), up to the present day.

31. The Federal Republic of Germany is aware of its responsibility towards the Sorbian minority. This is expressed in Protocol note No. 14 on article 35 of the Unification Treaty, which states inter alia that:

(a) There shall be freedom of commitment to the distinctive Sorbian culture and traditions;

(b) The freedom to maintain and further develop Sorbian culture and traditions shall be guaranteed;

(c) The Sorbian people and their organizations shall be free to cultivate and preserve the Sorbian language in public life.

32. Against this background, the Free State of Saxony, in cooperation with the Federal Government and Land Brandenburg, established a non-independent "Foundation for the Sorbian People" on 19 October 1991. This foundation, based in Bautzen, is intended to be a joint instrument for channelling funds from the Government and the two Länder, with extensive participation by representatives of the Sorbian people.

33. The following areas in particular are promoted:

(a) Institutions fostering Sorbian culture, art and traditional customs;

(b) Projects concerned with the documentation, publication and presentation of Sorbian art and culture;

(c) Measures for the preservation and development of the Sorbian language and cultural identity in public and professional life as well as relations between the Sorbian and non-Sorbian population;

(d) Projects which serve international understanding and cooperation with other national groups and minorities in Europe.

34. In 1992 the Foundation's work will receive DM 41 million in government funds, half from the Federation and half from the two Länder. Thus there is secure financial backing for the present total of 23 institutions, including the Sorbian umbrella organization DOMOWINA with its present membership of 8,000, the German-Sorbian Regional Theatre, the Sorbian National Ensemble, the Domowina Press and the Sorbian Museum in Bautzen.

35. Also worthy of mention is the direct promotion of Sorbian educational and academic establishments. These include the Sorbian Institute, which seeks to research and foster the Sorbian language, history and culture, the Sorbian Schools Association, the academic association Macica Serbska, the Sorbian grammar schools in Bautzen and Cottbus and the language schools in Milkel and Cottbus.

36. At present Sorbian is taught as a subject in 56 schools, while eight provide Sorbian mother-tongue lessons. A total of some 5,400 pupils attend Sorbian lessons.

37. Section 184 of the Code of Civil Procedure, under which the language of the courts is German, is overruled by a provision of the above-mentioned Unification Treaty (annex 1, chap. 111 (Justice/A. Administration of Justice) lit. (x)), which rules that Sorbs retain the right to speak Sorbian in court in Sorbian areas. Special arrangements have been made for this in Saxony at Bautzen regional court, where an in-house guide is being prepared in Sorbian and German.

38. Despite the possibility of speaking Sorbian in court, no such application was made to the court in 1991. A Sorbian judge working at Bautzen regional court will be able to act as interpreter at any time. In other respects, too, Bautzen Regional Court has a positive view of cooperation with the Sorbian institutions. There is no known case of Sorbs complaining of discrimination due to their ethnicity. The possibility for Sorbs to use their own language in the courts was taken over from the legislation of the former German Democratic Republic.

39. There have been a few problems in the Sorbian area of Land Brandenburg because, owing to road works, the bilingual (German and Sorbian) town signs were removed and replaced by signs written only in German. The reason for this was that paragraph 42 of the Road Traffic Regulations only provides for German on signs 310 and 311 (town boundary signs). The bilingual signs have now been replaced. Land Brandenburg has asked the Federal Ministry of Transport to amend the Road Traffic Regulations to make provision for bilingual town signs.

40. No such problems with town signs have come to light in the Sorbian area of Land Saxony. With regard to the situation there, reference is made to the

letter from the president of Dresden parliament to Saxony's offices of road construction and the local offices of the regional department of works (annex 10).

41. Five members of the Saxony parliament are Sorbs. At the 1990 elections, neither Brandenburg nor Saxony Sorbs sought independent political representation. Thus they are not represented in Saxony's parliament as a national group.

42. The Sorbs had one representative on the committee responsible for preparing Brandenburg's draft constitution for the Land Parliament. This representative expressly rejected special voting arrangements similar to those of the Danish minority in Schleswig-Holstein.

43. Thus the draft electoral law currently being prepared in Brandenburg Ministry of the Interior for Land elections contains no special provisions for the Sorbian population. In Saxony, preparations for a corresponding law are not yet at a stage where substantive provisions can be discussed.

44. Several articles of Saxony's constitution, adopted on 26 May 1992, deal with the rights of the Sorbian people. Under its provisions, the Land undertakes to foster the language, religion, culture and traditions of this national minority. Its schools, kindergartens and cultural associations will also be protected. Regional and town planning takes account of the needs of the Sorbian people and of the German-Sorbian character of their settlement area as a whole. In their region the Sorbs are also entitled to fly the colours and flags of the Sorbs beside those of the Land on equal terms.

45. In Saxony's State Chancellery, a division has been set up for dealing with all matters relating to the Sorbian minority. In the areas with a Sorbian population, Sorbs are able to approach special officials in the administrative offices.

46. Further documents concerning the legal position of the Sorbs are enclosed in annexes 11 to 15. In accordance with article 9 (1) of the Unification Treaty (see annex 1), the law of 23 March 1948 on the preservation of the rights of the Sorbian population (annex 11) and the first implementing regulation of this law dated 11 January 1951 (annex 12) remain in force.

B. Protection of other groups

1. The Jewish population

(a) Overview

47. The Federal Republic of Germany has since it foundation been conscious of its responsibility towards the victims of racial and political persecution under the Hitler regime. The Basic Law, in recognizing human dignity to be the foremost value of all legislation and all government authority, created

the prerequisites for the Jewish population in the Federal Republic of Germany today to enjoy the same rights and the same protection as the other Germans living in the Federal Republic of Germany.

48. Accurate statistics regarding the number of members of the Jewish religious community are not available.

49. According to information from the Central Welfare Office of the Jews in Germany, 34,127 members of the Jewish community are at present living in Germany.

50. The three largest communities are in Berlin, Munich and Frankfurt/Main. Whereas in Munich the number dropped from 5,501 to 4,095, in Frankfurt it rose from 4,909 to 5,322. In Berlin, the city with the largest Jewish community in Germany, it even rose from 6,002 to 9,394. The number of Jewish communities in Germany has risen from 65 to 67. The number of rabbis has dropped from 14 to 13, but the number of synagogues (53), prayer rooms (22), ritual baths (22) and libraries (55) has remained constant. These statistics, from the Central Council of Jews in Germany, do not, however, take account of all the changes resulting from the restoration of Germany's national unity, since a complete overview is not yet possible.

51. The interests of the Jewish population in Germany are represented chiefly by the aforementioned Central Council of Jews in Germany, which also publishes the weekly German-language newspaper Allgemeine Jüdische Wochenzeitung. Individual Jewish communities also publish local newspapers.

(b) Promotion measures

52. The memory of the suffering and injustice meted out to the German Jews is still a distinct factor in the Federal Republic of Germany today. In particular the younger generation of Germans seeks to confront the National Socialist past in various ways. For example, the film of the story of the Scholl siblings - student resistance fighters against the Nazi regime - entitled "Die weiße Rose" (The White Rose) was a remarkable success. Education and information create the conditions for openness and the dismantling of prejudice.

53. Bearing in mind its special historic responsibility towards the Jewish population, the Federal Government provides funds for the promotion of key Jewish institutions. These include the Central Council of Jews in Germany, the German Coordination Council of the societies of Christian-Jewish cooperation, the International Council of Christians and Jews as well as institutions dealing in particular with academic research into Jews and Judaism (Central Archive for Research into the History of Jews in Germany, College of Jewish Studies, Leo Baeck Institute).

54. The laws of the Federal Republic of Germany afford Germans of Jewish descent particular protection against attack and discrimination. Reference is made to the section of the present report relating to article 6 of the Convention.

2. Sinti and Romany gypsies

(a) Overview

55. Like the Jewish population, the Sinti and Romany gypsies, too, were persecuted for racial reasons under National Socialism. Only in the last few decades has it been increasingly possible to eliminate prejudices arising from their independent life-style and special cultural and social traditions. The elimination of these prejudices is a vital, constant task. Understanding for the special needs and problems of the Sinti and Romany gypsies has grown. The Federal Government firmly supports and promotes this progress.

56. At present about 50,000 to 70,000 Sinti and Romany gypsies live in the Federal Republic of Germany. These figures are estimates only, since no official statistics exist. Neither are there reliable records of how many Sinti and Romany gypsies have German nationality.

(b) The promotion of Sinti and Romany gypsies in Germany

57. The Government of the Federal Republic of Germany seeks to inform Sinti and Romany gypsies of their rights and opportunities in the society and enable them to take advantage of them. Thus support is given to Sinti and Romany advisory centres. Many of the people who work there are acquainted with the special cultural and social needs of this ethnic group and help eliminate any initial fear of authorities which Sinti and Romany gypsies often still have. There has been a national advisory centre in Heidelberg since 1983. An increasing number of such services are being established at Land and municipal level. Some of them receive up to 100 per cent government funding.

58. Believing that the problems of the Sinti and Romany gypsies can best be solved in cooperation with representatives of these ethnic groups, the Government of the Republic of Germany is promoting various model projects.

59. The model experiment referred to in the tenth report (CERD/C/172/Add.13, para. 40) on improving the learning conditions for Sinti children in school, a project supported by the Federal Minister for Education and Science in cooperation with Land Bremen, has been concluded. It was discovered that in Bremen almost all Sinti children attend school; the parents obviously have a positive attitude to school education for their children.

60. Above all, great importance was attached to involving the parents in the programmes; sometimes lessons took place at the children's home, and a successful parents' working group was established which is to remain in place.

61. Intensive monitoring of Sinti children and specific promotion have proved to be very positive measures.

62. It continues to be difficult to integrate the Sinti families' different sets of values and standards into the general school system. For example, German is the second language for Sinti children, and in school they are required to learn a written language for the first time. Their mother tongue, Romanes, is passed on orally and is learnt exclusively within the family group. In addition, as part of supplementary instruction to the mother

tongue, Sinti and Romany children can learn the language of the country in which they or their parents lived before coming to the Federal Republic of Germany, providing it was one of the following: Spain, Yugoslavia, Portugal, Italy, Tunisia or Morocco.

63. All in all the model experiment was judged positively as it revealed possibilities for successfully integrating Sinti children into the school and education system.

64. To improve the economic independence of the Sinti while at the same time preserving their cultural identity, a further-training model is being piloted with Sinti craftsmen and artists. The aim is to improve working conditions as well as promote the artistic talents and business professionalism of the craftsmen involved, including young Sinti people, by providing an opportunity to gain additional qualifications. Projects of this type can also help draw attention to the circumstances of the Sinti gypsies and eliminate prejudices.

65. The Federal Ministry for Education and Science is also supporting a model project run by the Central Council of German Sinti and Romany on the subject "Sinti tackle their history". The project has already been approved and is due to be concluded in 1992.

66. This model project is to encourage Sinti and Romany gypsies to gain qualifications as spokesmen and educators for history in the field of further education and multiplication. This concept establishes for the first time the principle that Sinti and Romany gypsies should learn to examine and teach their history themselves. The main focus of activity and learning is to be interviewing surviving witnesses of the National Socialist genocide of Sinti and Romany gypsies, as well as the elaboration, evaluation and presentation of historical sources and results.

67. The Central Council of German Sinti and Romany and the Federal Social Advisory Centre (both in Heidelberg) together received DM 580,000 in 1989 and 1990. In addition DM 300,000 was given in 1989 and again in 1990 for preparatory work on a Cultural Centre for German Sinti and Romany.

68. Between 1990 and 1992 a total of DM 11 million is being earmarked for the construction of a Cultural Centre for Sinti and Romany in Heidelberg. The Central Council will be housed in the same building.

69. Since 1 January 1991, the Office of the Central Council of German Sinti and Romany and the Documentation and Cultural Centre have been financed by the Federal Government. Land Baden-Württemberg assumes a 10 per cent share of the overheads for the Documentation and Cultural Centre. A building in Heidelberg has now been purchased to house both institutions, which will be equipped in 1992/93 with Federal Government funds totalling DM 6 million. Federal and Land funds amounting to a total of DM 2,053,000 for the staffing and overhead costs of both institutions have been provided for 1992. The two institutions currently employ a total of 19 staff. Further expansion is planned.

70. One of the tasks of the Documentation and Cultural Centre will be to preserve the cultural identity of Sinti and Romany - their language,

traditional occupations, customs and internal order - and to produce documents and literature, and research their history, including the period of Nazi tyranny.

71. The Central Council of German Sinti and Romany represents the interests of this ethnic group in public and before the authorities. It deals inter alia with questions of restitution, recognition as a German ethnic group, the image of Sinti and Romany perpetuated in the press and media, Nazi crimes committed against Sinti and Romany, special legal and police provisions, and cooperation with organizations at Land level.

(c) Sinti and Romany gypsies without German nationality

72. A recent trend has been the increased immigration of Sinti and Romany families from the countries of south-eastern and eastern Europe, predominantly Polish and Romanian nationals and citizens of the former Yugoslavia's successor States. If these persons apply for asylum, they must go through the same procedure as any other foreign asylum-seeker to establish whether they are exposed to political persecution in their home country due to their ethnic origin or for other reasons.

73. On 4 December 1990, the North-Rhine/Westphalian government agreed on a pilot project involving the repatriation and reintegration of asylum-seekers from Macedonia/Yugoslavia whose applications had been rejected.

74. The basis for the reintegration programme is the joint declaration, signed on 5/16 July 1991, by the Government of the Republic of Macedonia and Land North-Rhine/Westphalia regarding a pilot project for the repatriation and reintegration of asylum-seekers whose applications have been rejected. In this declaration, North-Rhine/Westphalia offered Macedonia help in combating the causes of flight. Approximately 3,400 Romany gypsies from Yugoslavia have been able to take part in the reintegration programme.

75. By agreement with the Federal Ministry of the Interior, they were granted temporary suspension of expulsion until 31 December 1991, under section 54, sentence 2, of the Aliens Act, this period later being extended until 30 June 1992. The range of repatriation and reintegration measures is chiefly geared to about 2,000 Romany gypsies from Macedonia, of whom 1,400 are from Skopje.

76. Up to the end of May 1992, under a repatriation programme six groups - consisting of 66 families (294 people, including 138 adults and 156 children) - returned to Skopje/Shutka voluntarily in October, November and December 1991 as well as April and May 1992. In the meantime, many of the Romany have gone their own way and not sought participation in the programme.

77. Those repatriated have moved into 78 newly built living quarters (58 houses and 20 portable housing units). A third phase, involving the construction of 36 living quarters, is now under way.

78. The elements of the reintegration programme are as follows:

(a) implementation and financing of repatriation;

(b) setting up of coordination offices in Skopje and Düsseldorf;

(c) building accommodation (houses and portable housing units for repatriation);

(d) payment of travel grants (for two months);

(e) payment of wage allowances or maintenance grants (for four months), so as to promote labour market and job integration (during retraining measures);

(f) provision of grants to safeguard kindergarten and school places;

(g) further-training measures for Macedonian kindergarten teachers;

(h) establishment of a development fund for structural measures in Macedonia.

79. To facilitate integration, each person repatriated is paid, at the appropriate adult/child rate, two months' travel allowance followed by four months of wage or maintenance payments during the training measures. Repatriated persons are entitled to live rent-free for 12 months in the accommodation transferred to the Macedonian Government; during this period they are only required to pay incidental costs. Kindergarten and school places are available.

80. The administrative aspects of integration in Macedonia are overseen by a coordination office of the Macedonian Government in the settlement area, in close cooperation with the North-Rhine/Westphalia coordination office in Düsseldorf. Welfare and medical problems are seen to by a Caritas liaison office for the Essen Bishopric, and by the Sisters of Mother Teresa. These offices are also open to other residents.

81. Of the adults repatriated, just under 200 are currently undergoing retraining measures. Considerable efforts have been made, with initial successes, to allocate the three dozen jobs contractually agreed by the firms involved in the overall construction measure.

82. In Skopje an advisory service has been set up by the North-Rhine/Westphalian government which now supports and promotes the establishment of businesses to create further jobs. The aim is to create approximately 160 and 240 jobs in 1992 and 1993 respectively in this way.

83. North-Rhine/Westphalia and Macedonia have set up a development fund intended to improve the labour market and infrastructure in the region in the long term.

3. Restitution

(a) Overview - equal treatment for entitled claimants

84. For over 40 years now the Federal Republic of Germany has been trying in various ways to make restitution to the victims of racial persecution under the Hitler regime. The Federal Government and the Länder have created a comprehensive system of legislation covering almost all damage caused by injustices under the Nazi regime.

85. From the outset Sinti and Romany gypsies and Jews have been recognized by the legislature, the executive and the judiciary as racially persecuted groups.

86. The Federal Republic of Germany has granted extensive compensation to people of Jewish origin who were persecuted.

87. As at 1 January 1990 the Federal Government and the Länder had paid compensation totalling DM 84.57 billion to victims of Nazi injustice. By the year 2030 the amount of restitution payments will have reached DM 120 billion.

88. According to estimates, the State of Israel has received DM 3 billion worth of products, approximately DM 26.5 billion has been paid to individuals in Israel, and DM 4.5 billion provided in other forms, i.e. a total to date of about DM 34 billion.

89. Substantial restitution payments have also been made to Sinti and Romany gypsies. It is impossible to give details of these payments, as no such statistical records are available.

90. Total compensation paid can be broken down as follows: about 40 per cent to victims of Nazi injustice who are of Jewish origin and about 60 per cent to victims of other origin.

91. The adult generation of persecuted Sinti and Romany living at the end of the war was given adequate information about the possibilities of obtaining compensation, and they have claimed it to much the same extent as other persecuted groups. Sinti and Romany are treated no differently in applying the law or implementing compensation procedures from other persons persecuted for reasons other than those referred to in section 1 of the Federal Compensation Act. The majority of payments being made today are to people who suffered at the hands of the Nazi regime as children or young adults.

92. The Federal Government tries to take account of changing living circumstances by updating and extending legislation. For example, the "Guideline of the Federal Government for hardship payments to victims of persecution of non-Jewish origin" was revised in 1989 to give it a broader scope.

93. Details of compensation payments up to the present day refer to the Federal Republic of Germany before the accession of the German Democratic Republic.

94. The Law of 22 April 1992 on Compensation for Victims of National Socialism in the Acceding Territory (Federal Law Gazette 1, p. 906, annex 2) ensures that payments are made to these persons in reunited Germany too. Under this law, honorary pensions and survivors' pensions paid on the basis of the Order on honorary pensions for opponents of fascism and for persons persecuted by fascism and their survivors (20 September 1976), which remains in force with certain provisos under the Unification Treaty, continue to be paid as compensatory pensions.

(b) Compensation payments for victims of forced labour under the Nazi regime

(i) Government provisions

95. Under general international law, claims by foreign nationals for compensation for forced labour during the Second World War cannot be entered directly with the responsible State as individual claims by the person concerned but must be filed as demands for reparation from one State to another. In the peace treaties of 1947 and the intergovernmental treaty of 1955, Bulgaria, Italy (for the period up to 1943), Romania, Hungary and Austria renounced claims for reparation against the German Reich. In government declarations dated 22 and 23 August 1953 the Soviet Union and Poland waived their claims to further reparations from the whole of Germany. Forty-seven years after the end of the Second World War, and following decades of peaceful, trusting and fruitful cooperation between the Federal Republic of Germany and the international community, the issue of reparations has become redundant.

96. Nor does domestic German legislation provide for compensation for forced labour as such. According to section 1 of the General Law Regulating Compensation for War-induced Losses (Allgemeines Kriegsfolgengesetz) such claims have lapsed. The Federal Compensation Act, too, makes no provision for compensation for forced labour as such.

97. Nazi persecutees as defined in the Federal Compensation Act and other victims of Nazi injustice who carried out forced labour in a concentration camp or under other circumstances amounting to detention could receive compensation for imprisonment pursuant to the Federal Compensation Act or General Law Regulating Compensation for War-induced Losses. In accordance with the provisions of the Federal Compensation Act, the final law of the Federal Compensation Act and the General Law, they could receive compensation for injury to body or health caused by the forced labour; under the Federal Compensation Act it was also possible to obtain compensation for losses sustained in working life in connection with detention for forced labour. All such claims had to fulfil the other legal conditions pertaining to deadlines, qualifying dates and residence. In the case of damage to health, the hardship regulations passed by the Federal Government on 3 October 1980, 26 August 1981 and 7 March 1988 pursuant to the Federal Compensation Act and the General Law contain provisions whereby persecutees who meet the qualifying dates and residence conditions of the Federal Compensation Act or the final law of the General Law and Nazi victims in the sense of the General Law who possess German nationality or are of German ethnic origin (cf. section 5, para. 2, of the General Law on Compensation for War-induced Losses in the version of 13 December 1990, Bundesanzeiger No. 235, p. 6659) may be granted hardship

payments even now if they can prove financial hardship and meet the other criteria outlined in the above-mentioned hardship regulations. Claims relating to social insurance may also be considered, depending on the circumstances in each individual case.

98. In order to balance out the claims asserted by Poland, the Federal Government declared itself willing, in the German-Polish exchange of notes of 16 October 1991, to make a one-off payment of DM 500 million on humanitarian grounds to a "Foundation for German-Polish Reconciliation" established by Poland. DM 250 million of this was paid in 1991, DM 150 million was to be paid in 1992 and DM 100 million in 1993. The money is destined for victims of Nazi persecution who suffered particular harm, whose health has been severely impaired and who are currently in a situation of economic hardship.

99. Both Governments regard this exchange of notes as a gesture aimed at closing this depressing chapter of Germany's history. The Polish Government therefore stated in the exchange of notes that it would assert no further claims by Polish citizens in connection with Nazi persecution.

100. It was intended to conclude a similar arrangement with the Soviet Union. Negotiations have already started and are to be continued with the relevant successor States.

(ii) Private provisions

101. Some German enterprises have made available to associations of persecutees and other associations compensation payments for forced labourers employed by them during the Second World War. These amounts are made available on the basis of agreements under private law.

102. Between 1958 and 1966 the following companies made payments to the Conference on Material Claims against Germany (Claims Conference) for Jewish prisoners who were employed by them as forced labour (cf. Benjamin B. Ferencz, Lohn des Grauens (Wages of Terror), Campus Verlag, Frankfurt/New York, 1981, pp. 80, 118, 151, 157, 187, 264 ff.):

IG Farbenindustrie (successors)	DM 27 million
Krupp	DM 10 million
AEG	DM 4 million
Siemens	DM 7 million
Rheinmetall	DM 2.5 million

103. In January 1986 Feldmühle Nobel AG made available to the Claims Conference, the German Red Cross and other associations amounts totalling DM 20 million as compensation for former forced labourers.

104. The payments were made to the Claims Conference for distribution to individuals. They were intended exclusively for Jewish forced labourers.

Payments to individual victims were undertaken by the "Compensation Trust", an agency of the Claims Conference. A sworn auditor drew up a statement of account on payments made to former forced labourers living in many countries throughout the world (cf. Ferencz, ibid. pp. 264 ff.).

105. The payments were made not in response to specific claims by the persons concerned, but generally to ease the suffering encountered by concentration camp inmates of Jewish origin through Nazi violence during their employment as forced labour.

106. The companies made the payments without prejudice.

107. The amounts paid by the individual companies were agreed on freely by the parties to the arrangements. The sum of DM 27 million paid by the successors of IG Farbenindustrie was arrived at on the basis of the general assumption that this would allow every victim to receive about DM 5,000; prisoners forced to work for less than six months received DM 2,500 (Ferencz, ibid. pp. 82 ff.). Similarly, the agreements with Krupp (DM 10 million) and Siemens (DM 7 million) allowed for DM 5,000 for each individual. According to calculations by the "Compensation Trust", the average amount paid out was DM 3,300 (cf. Ferencz, ibid., p. 264f.). The amounts provided by AEG (DM 4 million) and Rheinmetall (DM 2.5 million) allowed individuals to receive an average of DM 2,000 (AEG) and DM 1,700 (Rheinmetall) (cf. Ferencz, ibid., pp. 152, 192, 264 ff.).

108. These payments meant that the individuals' claims against the companies which had employed them as forced labour were fully and definitively met.

109. The company Feldmühle AG paid DM 5 million to the Claims Conference for former Jewish forced labourers. The payment was effected without prejudice. No further payments were made.

110. In 1988 Daimler Benz AG made available to the Claims Conference DM 10 million. This money was used to support old people's homes and nursing homes in various countries with former Jewish forced labourers and other Jewish victims of the Nazi regime as residents. A total of DM 5 million was donated to the German Red Cross and the corresponding organizations in Belgium, France and the Netherlands for similar purposes. A further DM 5 million was sent to several organizations in Poland, primarily to support medical institutions and to provide them with medical equipment. In order to circumvent the bureaucratic process that would have been needed to fix compensation, no individual payments were made, including by the institutions concerned.

111. None of the companies mentioned have taken any further initiatives to make compensation for forced labour. Any claims from individual forced labourers are rejected with reference to the payments already made and to the London Debt Agreement.

Article 3

112. Apartheid does not exist in the sovereign territory of Germany; the introduction of such practices is excluded by the constitution of the Federal Republic of Germany. Thus the Federal Republic of Germany fulfils the obligations accepted under article 3 of the Convention.

113. It also does so by having repeatedly and categorically condemned the apartheid policy practised in South Africa.

114. The Federal Republic of Germany is committed to the complete elimination of the apartheid system. It supports the reform process introduced in South Africa in 1990 by President de Klerk and the President of the ANC, Nelson Mandela, as well as the initiation of negotiations between the South African parties aimed at adopting a democratic non-racial constitution guaranteeing all South Africans the same political, economic and social rights. The Federal Government has on several occasions urged the South African Government and all parties in South Africa to continue and conclude as soon as possible the negotiations towards the complete dismantling of apartheid.

Article 4

A. Penal arrangements and their effectiveness

1. Penal provisions

115. The Federal Republic of Germany fulfils the obligation to punish the dissemination of racist ideas and incitement to racial discrimination and racialist activities arising from article 4 (a) of the Convention, mainly by way of the penal regulations on incitement of the people (art. 130 of the Penal Code) and article 131 of the Penal Code, according to which anyone is liable to punishment who disseminates publications (or representations of any other kind) which either incite to racial hatred or glorify or belittle acts of terror of other inhuman acts of violence against human beings.

116. The dissemination of propaganda from organizations prohibited under the constitution and the use of Nazi symbols and gestures are punishable under articles 86 and 86 (a) of the Penal Code.

117. The aforementioned penal provisions are effective and fulfil the requirements of the Convention.

2. Statistical evaluation

118. An evaluation of the statistics on the prosecution of criminal offences pursuant to sections 130 and 131 of the Penal Code - based on the 11 Länder before the accession of the GDR - shows that in 1990, 82 persons (including 24 juveniles) were convicted of a criminal offence in accordance with article 130 and 29 persons (no juveniles) were convicted in accordance with article 131 of the Penal Code.

119. Since the aforementioned penal regulations also cover offences other than those with a racist background (e.g. glorification of acts of violence against human beings for sadistic motives), only a proportion of the 111 convictions referred to fall under the scope of the Convention.

120. As yet no statistics are available for the new Länder and East Berlin in the years following 1989. However, the figures given below for two Länder serve to illustrate the situation.

121. In 1990, the Director of Pubic Prosecutions at Berlin regional court dealt with eight charges of contravention of section 130 of the Penal Code, as well as one of contravention of section 131 of the Penal Code. Fines were imposed in each case. In 1991, only six charges of contravention of section 130 of the Penal Code were brought. Fines were imposed in four cases, suspended prison sentences in the other two.

122. In 1990 and 1991, no charges of contravention of sections 129 and 129 (a) of the Penal Code involving racial discrimination were brought by the Berlin Ministry of Justice. No statistics are so far available for Berlin for 1992.

123. From 1989 until the present day, the Brandenburg Director of Public Prosecutions has reported over 110 preliminary investigations and criminal proceedings to the Land Ministry of Justice. This total can be broken down into the types of offence listed below. Some cases come under more than one heading.

Acts committed against foreigners	49
Acts directed against hostels for foreigners	20
Acts directed against members of the Soviet Forces stationed in Germany or their families	14
Use of symbols and gestures of organizations banned under the constitution (section 86 (a) Penal Code; example: Nazi salute)	31
Acts committed by violent groups	52
At least one offender is a minor or young adult	55
Involvement of "skinheads"	14

124. The majority of these proceedings deal with acts of violence committed in groups. The offenders are, for the most part, minors, adolescents and young adults. There were a considerable number of sporadic incidents in Frankfurt/Oder, involving protests against the opening of the eastern border and the entry of Polish nationals.

125. The offenders whose identity emerges during investigations are not, as a rule, organized, except for loose gangs of youths. Two exceptions are the National Front (NF) and the "Nationales Einsatzkommando" (National Task Force). The Public Prosecutor General at the Federal Court of Justice

has initiated several investigations on suspicion of offences under section 129 (a) of the Penal Code. Those charged are accused of pursuing the establishment of a "national task force", which is intended to act as a combat unit to enforce the political goals of the National Front. These include the quest for a Germany for the German "Volk", combating gangs of criminal foreigners and "lefties".

126. These cases were swiftly dealt with by both the prosecution authorities and the courts. In 64 of the 110 cases reported, charges have been brought; in 31, a final court judgement has been made.

127. In 1989 charges were made in 165 cases against persons in the Federal Republic of Germany suspected of criminal offences committed for extreme right-wing motives. Also in 1989 bans were imposed on 62 right-wing extremist events, although some of them were lifted by the administrative courts.

128. In 1989, a total of 99 right-wing extremists were convicted of criminal offences.

129. In 1990, the Federal Ministry of Justice published the third edition of the report Rechtsextremismus und Strafrechtspflege (Right-wing extremism and criminal justice) by H. Kalinowsky (annex 3). This deals with a total of 1,382 criminal proceedings conducted against suspected right-wing extremist activities and phenomena from September 1978 to March 1987. The report gives an overview of the sociological case histories of radical right-wing offenders, the type of offences they commit, aspects of criminal proceedings and the determination of penalties. Of the right-wing extremists investigated, 183 were charged under section 130 of the Penal Code and 50 under section 131; 56.4 per cent of those charged under section 130 and 65.5 per cent of those charged under section 131 displayed anti-Semitic tendencies. Xenophobic tendencies motivated 21.5 per cent of those charged under section 130 and 1.8 per cent of those charged under section 131 of the Penal Code.

130. According to the 1990 and 1991 statistics, no convictions with right-wing extremist motives were made under sections 129 and 129 (a) of the Penal Code.

131. As indicated in the above report, from 1978 to 1987, 150 convictions were made under section 86 of the Penal Code for right-wing extremist offences as well as 595 under section 86 (a); here, too, the offenders were by and large involved in right-wing extremist groups.

B. Prohibition of racialist organizations

132. Political parties or other associations may be banned under article 21 or article 9 (2) of the Basic Law. Political parties are associations that seek to influence political opinion-forming and participate in national or regional elections. They may be banned under article 21 (2) of the Basic Law in conjunction with section 13 (2) and sections 43 ff of the Law on the Federal Constitutional Court (annex 4). According to article 21 (2) of the Basic Law, parties which, by reason of their aims or the behaviour of their adherents, seek to impair or abolish the free democratic basic order or to endanger the existence of the Federal Republic of Germany are unconstitutional. The

question of unconstitutionality is decided entirely by the Federal Constitutional Court upon application by the Bundestag, the Bundesrat or the Federal Government.

133. The constitutional bodies entitled to make such application must reflect and decide, with all due consideration, for which they alone are responsible, whether they wish to apply for a ban or whether the dispute with a party they believe to be unconstitutional is better settled within the political arena.

134. Two parties have been banned to date in the Federal Republic of Germany. The Federal Constitutional Court banned the right-wing extremist "Sozialistische Reichspartei" on 23 October 1952 and the left-wing radical "Kommunistische Partei Deutschlands" on 17 August 1956.

135. Under article 9 (2) of the Basic Law, in conjunction with sections 3 ff. of the Association Act, associations whose purposes or activities conflict with criminal laws or are directed against the constitutional order or the concept of international understanding are prohibited. An association can only be banned and dissolved, however, if the prohibiting authority has demonstrated that at least one of the grounds for prohibition (section 3 (1) of the Association Act) is present.

136. Since the Association Act entered into force on 12 September 1964 the Federal Minister of the Interior has banned five associations with right-wing extremist tendencies in the Federal Republic of Germany, the most recent of these being the "Nationale Sammlung" (National Union), which was banned and dissolved on 27 January 1989.

137. A further four right-wing extremist associations whose activities were restricted to one Land have been banned and dissolved by the supreme prohibiting authority in the Land concerned.

138. The 1991 report on the protection of the constitution shows that at the end of 1991 there were 76 (1990: 63) right-wing extremist organizations in Germany, with a membership of some 39,800 (1990: 32,300). The increase in the number of organizations and in their membership can be explained first of all by the fact that the new Länder were included in the statistics for the first time. Right-wing extremist activities, whose existence was denied, were carried out in the former GDR before the collapse of the Communist regime and continue today.

139. Irrespective of the problem of defining the term "racialist violence", the Federal Office for the Protection of the Constitution estimates militant potential at 4,400 right-wing extremists at a minimum in 1991. The vast majority of these (4,200) are skinheads who display either outright neo-Nazi behaviour or at least clear evidence of neo-Nazi tendencies. Since there are as yet no efficient intelligence services in the new Länder, it is not possible to give more precise information on the potential for right-wing extremist violence there. A further reason is that the people of the former GDR came into contact with foreigners on a large scale only after unification.

140. The greater attention at present commanded by extreme right-wing ideology in Germany as a whole is probably due to the radical right-wing agitation which demagogically simplifies and links complex day-to-day issues such as unemployment, the housing shortage and foreign citizens.

141. According to German intelligence services, membership of the Deutsche Volksunion (DVU) (German People's Union), a right-wing extremist organization, rose in 1991 to 24,000 (1990: 22,000). It scored election successes in 1991 and 1992. At present, the DVU is represented in two Land parliaments. At the election to Bremen parliament on 29 September 1991 it gained 6.18 per cent of the votes (6 seats), after having received 3.41 per cent (1 seat) in the parliamentary election of 13 September 1987. It has also held 6 seats (6.3 per cent) in Schleswig-Holstein's parliament since the election of 5 April 1992.

142. The "Republicans", another right-wing party, gained 10.9 per cent of the votes (15 seats) in the Baden-Württemberg parliamentary elections on 5 April 1992. Since the election of 18 June 1989 to the European Parliament, it has held 6 of the 81 German seats, that is 7.1 per cent.

143. At the twelfth elections to the German Bundestag on 2 December 1990, the Republicans received 1.7 per cent of the votes, and the right-wing extremist Nationaldemokratische Partei Deutschlands (NPD) 0.4 per cent. The DVU did not stand for election.

144. The election successes of right-wing radical and extremist parties can be traced to various causes. But in many cases it is likely that voters have not embraced right-wing views but rather feel a need to express their dissatisfaction over a wide variety of issues, e.g. the housing situation.

C. The Federal Government's stance

145. At the international level, too, the Federal Government has unequivocally documented its firm intention to fight all forms of racial discrimination, especially anti-Semitism, in the Federal Republic of Germany. Thus, on the initiative of the two former German States the final document of the Copenhagen Meeting on the Human Dimension of the Conference on Security and Co-operation in Europe (CSCE) (from 5 to 29 June 1990) contained a condemnation of all forms of totalitarianism, racial and ethnic hatred, anti-Semitism and xenophobia which is politically binding on all 34 participating States.

Article 5

A. Introduction

146. The constitution of the Federal Republic of Germany, the laws emerging from it and their implementation in practice guarantee to each individual the exercise of all the rights referred to in article 5 of the Convention. Article 3 (3) of the Basic Law is an essential element of the constitution, and one to which the greatest importance is attached. Under this provision,

nobody, including foreigners living in the Federal Republic of Germany, may be prejudiced or favoured because of their sex, birth, race, language, national or social origin, faith, religion or political opinions.

147. The Federal Government's policy on foreigners aims towards (a) integrating foreign workers and their families who have been living in Germany for a long time; (b) limiting further arrivals of foreign workers; and (c) promoting voluntary repatriation.

148. There are at present (31 August 1992) 6,251,523 foreigners living in the Federal Republic of Germany, 7.8 per cent of the total resident population. This is a rise of one third over the figure five years ago (31 December 1987), which was 4,240,532. And since 1970, i.e. in 20 years, the figure has trebled (then 2,438,600). An overview of the total number of foreigners in the Federal Republic of Germany, broken down by country of origin, as well as a further outline of the increase in the number of foreigners in the Federal Republic, are enclosed as annexes 8 and 9, which contain official figures from the Federal Ministry of the Interior.

149. Foreigners and Germans have long enjoyed basically good-neighbourly relations. One quarter of all foreigners have already been living in the country for more than 20 years, 44 per cent for more than 15 years and 60 per cent for more than 10 years. The average stay for foreign workers and their families from the former recruitment countries is even longer. Two thirds of all Turks, 72 per cent of Italians, 76 per cent of people from the former Yugoslavia and 87 per cent of Spaniards have been living in the Federal Republic of Germany for at least 10 years. A large proportion of the foreign children and young people were in fact born there. The Federal Government assumes that the majority of them will stay for some considerable time, some of them for good. This applies above all to the foreigners who were born and grew up in the Federal Republic (the so-called second and subsequent generations).

150. There is no convincing alternative to integration for these people (incorporation into the economic, social and cultural life in the Federal Republic of Germany).

151. Integration is promoted through legislative measures which guarantee the status of these foreigners in terms of residence and employment. Together with the Länder, municipalities and social groups, the Federal Government offers foreigners - and particularly children and young people - various forms of assistance towards integration. The aim of the Government's information policy is to further improve understanding between the German and foreign population.

152. However, integration as a process of becoming involved in the life of the community also requires some effort on the part of the foreigners; in particular, they have to adjust to the values, standards and social norms in the country. Respect for German culture and the fundamental values enshrined in the constitution (separation of Government and church, status of women, religious tolerance) a knowledge of German, the renunciation of

exaggerated nationalistic or religious behaviour and integration at school and work (compliance with compulsory school attendance, vocational training also for women, in due time immigration of children) are basic prerequisites.

153. Foreigners live in all parts of the country. Only certain conurbations have areas with a particularly dense foreign population, and these often comprise people from the same country of origin. This is particularly true of the Berlin suburb Kreuzberg, which has an especially large Turkish population. This development cannot, however, be traced back to any Government measures or Government-sponsored private initiative. The cause is rather the availability of cheap housing and the desire of the foreigners to live in an area with an infrastructure (above all shops and cultural institutions) reminiscent of their home countries.

154. The difficulties in relations between Germany and foreigners which have been evident for some time and the deplorable xenophobic riots are basically to be viewed in the context of the large number of people who arrive in Germany as asylum-seekers. In 1991 the figure was 256,112, an increase of 32.7 per cent over the previous year (193,063). More foreigners (273,942) applied for asylum in just the first eight months of 1992 than in the whole of 1991. In comparison with the same figure for 1991 (January-August: 141,081 asylum-seekers) this means an increase of over 94 per cent. Similarly, a look at the figures for the month of August in the two years shows a marked increase (28,272 asylum-seekers in August 1991 and 40,071 in August 1992).

155. In terms of the country of origin of the asylum-seekers, there is a notably large contingent of Europeans, particularly from eastern and south-eastern Europe. The figure rose from 52.6 per cent in 1990 to 65.1 per cent in 1991. In contrast, the number of asylum-seekers from Asia fell from 31.5 per cent in 1990 to 19.8 per cent in 1991. This trend continued in 1992, as a glance at the figures shows: in August 1992 Europeans accounted for 75.3 per cent of asylum-seekers, 70.4 per cent coming from the countries of eastern and south-eastern Europe.

156. Only a very small number of the asylum-seekers are eventually recognized as being the victims of political persecution and thus entitled to asylum. The recognition rate of the Federal Office for the Recognition of Foreign Refugees was 6.9 per cent in 1991 (as compared to 4.4 per cent in 1990 and 5.0 per cent in 1989). The recognition rate for asylum-seekers from Romania and Bulgaria is currently 0.2 per cent or less. None the less, the share in the total number of asylum-seekers of people from these countries is continually rising.

157. Everyone who applies for asylum in Germany has a right to be supplied with food, clothing and accommodation, to be funded from Government social-welfare resources. This is why local people in the conurbations, who often have trouble finding suitable affordable housing, frequently have the impression that asylum-seekers are provided with accommodation by the State while they themselves are not. Another factor which often causes discontent is that many asylum-seekers spend several years in Germany while the legal procedure relating to their case is completed, even though it is clear that the vast majority of them have come to Germany as so-called economic refugees.

not as the victims of political persecution, and so have no chance of being recognized as entitled to asylum. Problems also arise when the local population is directly confronted with what is often a completely different mentality and unusual behaviour when accommodation is provided for asylum-seekers. There may also be difficulties where the locals, as can be witnessed particularly in the new federal states, regard their own economic and social situation as precarious. For statements on the causes of the difficulties experienced by young people in the new federal states in their relations with foreigners, reference is made to the comments on this question under article 6 (see below, paras. 219 ff.).

158. In the view of the Government of the Federal Republic of Germany, the Convention contains no obligation to report on matters of legislation concerning foreigners. Article 1, paragraph 2, expressly States that the Convention does not apply to distinctions, exclusions, restrictions or preferences made by a State party between citizens and non-citizens. It must be pointed out that this view is supported by the wording of the non-discrimination clause in article 1, paragraph 1, in which "national origin" is given as one of the characteristics which render different treatment discriminatory, but "nationality" as such is not. In addition, article 1, paragraph 3, specifies that the legal provisions of States parties concerning nationality, citizenship or naturalization remain essentially unaffected.

159. With this proviso, the present report will none the less provide information going beyond Germany's obligations under the Convention.

160. A new Aliens Act greatly improving conditions for the foreign workers and their families living permanently in the Federal Republic, as well as for refugees accepted there, entered into force on 1 January 1991. The new Act strengthens the legal position of such persons and enables them to plan their lives more easily. The new Act invests these foreigners with clear legal rights in important areas. In future, if an applicant fulfils the conditions laid down in the new Act, the relevant authority will be obliged to make a positive decision as regards his right to stay. Decisions by the aliens authorities will thus become more predictable.

161. The new Act provides for clear legal rights as regards, for example, the unlimited extension of the residence permit, the right of abode, the subsequent immigration of spouses, the introduction of an independent right of residence for children who have subsequently immigrated, and the naturalization of foreigners who were born and grew up in the country.

162. A new aspect is the right of young foreigners who have returned to their home country to return to Germany at a later date and settle there permanently.

163. Through naturalization, foreigners living permanently in the Federal Republic of Germany acquire an equal right to vote and are fully integrated into the community.

164. The naturalization of foreigners who have lived there for a long time and of young foreigners who have grown up there has been made easier. The new Act is a significant advance towards the integration of foreigners.

B. The situation of foreign workers in Germany

1. Overview

165. No distinctions on the basis of nationality are made with regard to safety at work and social security. One point to be made with regard to the former is that the most important warnings in the accident prevention regulations must also be made in other languages (e.g. Turkish) so that a foreign worker is not put at higher risk of injury due to a lack of knowledge of German.

166. The unemployment rate among foreigners is higher than the overall rate. In 1991 total unemployment in the 11 old federal states was 6.3 per cent, while 10.7 per cent of foreigners were registered unemployed. In the acceding territory unemployment among foreigners was 1.5 per cent while the overall rate was running at 10.3 per cent. (Unemployment figures are still recorded separately for western and eastern Germany, as the labour market in the new Länder has not yet been fully aligned with that in the west.) The prime reason for the high rate of unemployment among foreigners is that the vast majority of them are employed as unskilled labourers or semi-skilled workers, especially in the manufacturing and construction industries.

167. Even among foreign workers, unemployment varies greatly according to nationality. In western Germany in March 1992 Turks were by far the hardest hit, followed by Yugoslavs and Italians. The difference in unemployment rates reflects the discrepancy in the qualifications of workers from these countries.

168. Thanks to their many years of experience, the foreigners' advisory services make an essential contribution towards the social integration of foreign workers and towards promoting the conflict-free coexistence of Germans and foreigners. Besides the usual advice (orientation, help towards self-help, support in overcoming linguistic barriers) there is at present also a need for additional counselling on problems with school attendance and vocational training, conflicts between the generations, and the transition to retirement.

2. Measures to promote the integration of foreign workers and their families

169. The Federal Ministry of Labour and Social Affairs (FML) has long been promoting the integration of foreign workers and their families. The principal means to this end have been language teaching and vocational training. These, together with the social welfare measures financed by the Federation and the Länder, have become increasingly important over the past few years.

170. In 1991, FML made available DM 46 million for the vocational and social integration of foreigners. Additional emphasis was placed on the new areas of

vocational qualifications, the integration of alien women, the promotion of harmony between Germans and foreigners, and the improvement of the situation of older foreigners. Emphasis has been placed on the following measures.

(a) Language courses

171. In 1991, the "Sprachverband Deutsch für ausländische Arbeitnehmer e.V." (German for Foreign Workers Association) in Mainz, which was founded in 1974 on the initiative of FML, sponsored language courses for 87,500 foreigners (from the European Community, Turkey, Yugoslavia, Morocco, Tunisia and the Republic of Korea) to the tune of DM 33 million. Since the association was established, 917,000 people have attended language courses organized by 555 sponsors across the country. Language courses have been held in the new federal states for foreigners from the former CMEA countries and from the recruitment countries of the former GDR:

(i) General language courses

Target group:	Young foreigners (age 15 and over) and adults (especially those in employment).
Content/duration:	Four graduated courses each of 60-80 hours, totalling up to 320 hours of tuition; largely evening classes for workers.
No. of participants:	In 1991, 44,000 of whom roughly one third were young people under the age of 20.

(ii) Intensive language courses

Target group:	Young foreigners (age 15 and over) and adults (especially the unemployed).
Content/duration:	Intensive courses consisting of up to 640 periods over up to a year. Team-teaching (lessons with two teachers) or a socio-educational back-up can in principle be scheduled for half of these periods. Classes generally take place all day, especially for the unemployed.
No. of participants:	In 1991, 35,500, of whom 17,500 were under the age of 20.

(iii) Language and literacy courses

Content/duration:	Introductory course: 60-80 periods; advanced courses each 60-80 periods; up to 240 periods in all, most of which must be used to teach German; half of the classes are carried out in the form of team-teaching.
No. of participants:	In 1991, 8,000.

(iv) Language courses with créche facilities

These language courses are also offered in the form of so-called women's courses with creche facilities available throughout class time. They are traditional courses with extra emphasis on subjects of particular interest to women.

(v) Seminars for course-teacher qualifications

Course teachers must have: a teaching certificate or similar educational qualification obtained through practical experience, and an additional qualification as a course teacher for foreign workers. This additional qualification is taught by the Goethe Institute in Munich on behalf of FML.

(b) The transition from education to employment

172. In its proposals on the integration of young foreigners dated July 1986, the coordination group "Foreign Workers" (an advisory body at FML) said that the main task of integration policy was to smooth the problems encountered by young foreigners when moving on from school to the world of work. The instruments for employment promotion in this area were therefore extended. The Federal Institute for Employment has markedly stepped up both measures to prepare youngsters for working life and the promotion of vocational training (particularly through assistance running parallel to training) for young foreigners. The FML supplements this promotion with the following:

(i) Boarding courses to prepare for working life

Target group/content:	Young foreigners who have passed school age who are not covered by the measures of the Federal Institute for Employment; preparation for working life with the possibility of catching up on school-leaving certificates (particularly the secondary-modern leaving certificate).
Sponsors:	Akademie Klausenhof (Klausenhof Academy) in Hamminkeln (North-Rhine/Westphalia); Christliches Jugenddorfwerk Deutschland (German Christian Youth Fellowship). Courses are held in Altensteig (Baden-Württemberg), Nuremberg (Bavaria) and Hamburg.
No. of participants:	In 1990/91,280.

(ii) Bi-national training projects

Target group/content:	Young Greeks and Spaniards who possess a school-leaving certificate and who are receiving training under German law in commerce or in the electrical or metal-working trades. Classes are held in Greek/Spanish

using the specialist vocabulary and there is a five-week placement in Greece or Spain.

Sponsor/finance: German/Greek project: Educational Trust of Trade and Industry in Land Hesse; German/Spanish project: Institute of the German Economy. The projects are co-financed by the European Social Fund and the Greek and Spanish Governments.

Venues: German/Greek project: Cologne, Frankfurt, Nuremberg, Munich, Stuttgart; German/Spanish project: Düsseldorf, Frankfurt.

Successes: The first Greek trainees passed their apprenticeship examination in 1991 and have already signed employment contracts.

No. of participants: German/Greek project: in 1991, 120; German/Spanish project: in 1991, 80.

(iii) Further model measures of vocational training funded by FML in 1991:

Vocational and social integration of young Italians in the Upper Rhine region. Sponsor: Caritas (Catholic charitable organization) for the Archdiocese of Freiburg;

Training for young Turks in auxiliary medical professions; candidates from all over the country; use of specialized Turkish language; socio-educational back-up. Sponsor: German-Turkish Health Foundation in Gießen;

Computer-based vocational language course for foreigners working in the iron and steel industry. Sponsor: Rheinisch-Westfälische Auslandsgesellschaft (Rhenish-Westphalian Society for Foreigners), Dortmund;

Training of young foreigners as European secretaries. Sponsor: European Language School, Dortmund.

(c) Integration measures for foreign women

173. The following courses were organized for foreign women:

(i) Courses for women:

Target group/objective: Female foreign workers and wives of foreign workers. Introduction to the German language and motivation for vocational training.

Content/duration: Help with integration in the form of sewing and cooking courses, information about issues relating to the family, household management, health, nutrition, caring for the sick at home, and other topics; 10 classes, each lasting 2 hours, generally held in the evening.

Sponsors: Verein für internationale Jugendarbeit e.V. (Association for International Youth Work) in Stuttgart; Internationaler Bund für Sozialarbeit - Jugendsozialwerk e.V. (International Association for Social Work - Youth Social Work) in Frankfurt am Main; Deutscher Paritätischer Wohlfahrtsverband e.V. (DPWV) (German Equal Welfare Association) in Frankfurt am Main; National Society of Labour Welfare in Bonn; Academia Espanola de Formacion e.V. in Bonn.

No. of participants: In 1991, 14,000

(ii) Projects:

Objective/content: To introduce the participants to language courses and vocational training measures. Throughout the project participants are looked after by socio-educational specialists. Courses are run along the same lines as the courses for women.

Target groups/sponsors: Turkish women and girls: Christliche Arbeiterjugend (Christian Young Workers' Association), Essen;

Moroccan women and girls: Arbeiterwohlfahrt Kreisverband Düsseldorf e.V. (District Workers' Welfare Association);

Foreign girls and women in rural areas: Verein für soziale Dienste im Münsterland e.V. (Social Services Association in the Münster Region);

Foreign girls and women in urban areas: Nachbarschaftsheim im St. Pauli e.V. - DPWV (Neighbourhood Help Association).

(d) Promotion of harmony between Germans and foreigners

174. The following measures for promoting harmony between Germans and foreigners were taken in 1990, 1991 and 1992:

(i) Models for avoiding conflicts and improving contacts at local level:

Content:	Seminars for multipliers, courses and meetings to create possibilities for contact between Germans and foreigners, campaign against xenophobia under the motto "Foreigners and Germans in our town".
Sponsors:	Arbeitskammer (Chamber of Labour) Saarland; Lagerhaus Ostertor (Bremen); VIA, Bochum; Social Inscitutes of the KAB (Bavaria).

(ii) Central coordination point for work with foreigners in DPWV:

Content/duration:	Academic and organizational backup for projects run by the association, counselling for project sponsors and applicants to FML. Monitoring of sponsored measures. Duration: 1990-1992.
Sponsor:	DPWV Gesamtverband e.V., Frankfurt am Main.

(iii) Measures in the new federal states

At the end of 1991 a project initiated by the German Red Cross to develop a network for the vocational and social integration of foreign workers and their families and to reduce xenophobia was approved. The project centres on the regions around Dresden, Leipzig and Halle.

(e) Older foreign workers in Germany

175. Private and State agencies concerned with issues relevant to foreigners are increasingly focusing on the problems facing older foreign workers. The Centre for Turkish Studies has been commissioned by FML to survey the old-age planning, commuter patterns, social contact etc. of older Turkish and Italian workers. The study focuses on workers and their families in Cologne, Duisburg and Munich.

176. In addition, approval was also given for a project under which sponsors of public welfare programmes in North-Rhine/Westphalia will carry out a joint wide-ranging evaluation of their fields of activity from 1992 to 1995. The focus of this will be the revision and further development of the work of the public welfare associations with a view to the needs of all their foreign workers. The project has been agreed with Land North-Rhine/Westphalia. The sponsors of the project are: Diocesan Caritas Association of the

Archbishopric of Cologne; Social Welfare Department of the Protestant Church in the Rhineland, Düsseldorf; Workers' Social Welfare Association, Western Westphalia, Dortmund.

(f) Seminars, information and public relations

177. The following projects were carried out in 1991 and 1992:

(i) Seminars on regional studies

Sixty seminars on regional studies, carried out in 1991 by the Institute for Development Research, Economic and Social Planning (ISOPLAN) in Saarbrücken on behalf of FML with reference to Turkey, Yugoslavia, Spain, Portugal and Greece.

Target group:	People who work with foreigners, especially Germans (e.g. staff of employment exchanges and vocational advisers at labour exchanges, staff of public authorities concerned with foreigners, as well as teachers, trainers etc.).
Content/duration:	Provision of background information about the countries of origin of foreign workers. Each course lasts two or three days.
No. of participants:	In 1991, 1,270.

(ii) Multipliers' seminars

On behalf of FML, the Akademie Klausenhof, in cooperation with the embassies of the countries of origin, implements information seminars for multipliers working with foreign workers in Germany. Eleven seminars, including two in the new federal States, took place in 1991.

Target group:	Foreign chairmen of associations, chairmen of PTAs, school spokesmen, teachers, social workers, etc.; German and foreign journalists and other multipliers.
Content/duration:	Information on topical issues relating to the integration of foreigners, especially the significance of vocational training for young foreigners; further education, exchange of experience. Two to three days.
No. of participants:	In 1991, 650.

(iii) Information brochure "AD-Arbeitsplatz Deutschland" (Workplace Germany) (annex 5)

Content: Information for foreign workers and their families in seven languages (Turkish, Serbo-Croat, Greek, Italian, Spanish, Portuguese, German). Information on social security, labour law, health, vocational training, rent law, general assistance (contact with authorities, traffic regulations, accident prevention etc.).

Publication: Every three months, print-run 570,000. Free. Distributed in particular through employment agencies, labour exchanges, back-up associations throughout the Federal Republic.

(iv) Information brochure "Ausländer in Deutschland" ("AiD") (Foreigners in Germany) (annex 6)

Content: "AiD" promotes the social and vocational integration of foreign workers and their families in the Federal Republic of Germany. This service is targeted at all organizations and persons concerned with the integration of foreigners and is intended to help create as good a relationship as possible between the German and the foreign population. "AiD" contains up-to-date figures and facts on the employment and integration of foreigners. It also reports, in view of the ongoing process of European unification, on discussions and decisions of the European Communities and the Council of Europe regarding policy on foreigners. In the wake of the reunification of Germany the information service has the important task of taking account of the social and employment requirements of the foreigners living in the former GDR and informing the persons and organizations working with foreigners there about the experience with integration in western Germany.

Publication: Quarterly, print-run 15,000.

3. Legal protection for foreign workers in Germany

178. Under article 75 (1) of the Works Constitution Act, the works council must ensure that every person employed in the establishment is treated in accordance with the principles of law and equity and in particular that there is no discrimination against persons on account of their race, creed,

nationality, origin, political or trade-union activity or convictions, or sex. The literature on the subject sometimes states that this also applies to the employment of job applicants. It would follow from this that the works council can, in the event of racial discrimination, refuse to approve an appointment. In this case the employer could make the appoint ent only with the approval of the Labour Court. If there has been racial discrimination, such approval would probably not be granted.

179. Legal counselling, in the Federal Republic of Germany, is an integral part of contracts under private law. According to the law, legal counselling is in the first instance the task of lawyers. At the same time certain interest groups are entitled to provide their members with legal counselling on the matters which the group was set up to promote. For example, trade unions can advise their members on issues relating to labour and social law. This counselling is available to both Germans and foreigners on the same conditions.

180. At the local level there are also foreigners' associations which provide advice and assistance. Outside court proceedings, foreigners with a low income are given help to enforce their rights on the basis of the law on legal advice and representation for citizens with a low income. Such assistance is given by lawyers free of charge or for a small fee. In some Länder there are public legal advice centres which are open equally to Germans and foreigners. For court cases, foreigners have the same right to legal aid (i.e. exemption from fees and court costs, assumption by the State in full or in part of the costs of legal representation) as German nationals.

181. Costs of interpretation and translation which are incurred in a court case in order to ensure understanding with a foreign party are usually counted as court expenses and paid by the losing party at the end of the case. There are exceptions to this rule, the most important being:

(a) In proceedings before the criminal courts and social courts, the cost of interpreters and translators assigned by the court is invariably paid by the State. In the case of criminal proceedings this is laid down by the European Convention on Human Rights, which also applies to cases concerning breaches of an administrative regulation, which are taken to the criminal courts if the imposition of a fine leads to a dispute between the person concerned and the authorities;

(b) In proceedings before the labour courts the costs incurred for interpreters assigned by the court in any type of case are not payable by the losing party if reciprocity is guaranteed in the foreign party's country of origin. Such reciprocity currently exists with Belgium, India, Italy, Luxembourg, Portugal and Turkey.

182. The labour exchanges endeavour to ensure that access to social services is not impeded by linguistic barriers. As a matter of principle all offices try to fulfil interpreting and translating tasks as easily as possible with the help of their own linguistic knowledge or with the help of German-speaking members of the applicant's family. If the necessary interpreting and translating services can be provided only by fee-charging third parties, the

foreign applicant does not have to reimburse the costs when applying for unemployment insurance and for child benefit within the framework of existing bilateral agreements.

183. With respect to discriminatory measures by local authorities, sovereign measures by local authorities which constitute racial discrimination against a foreigner are deemed to be an infringement of the principle of equality laid down in article 3 (3) of the Basic Law. They can therefore be contested using general legal means. Article 3 (3) of the Basic Law is binding upon all government bodies which exercise sovereign powers and as such applies also to local authorities. For an outline of the practice on paying damages for racial discrimination, see section C. below (paras. 192 ff.).

4. The situation in the new federal States

184. At the end of 1991 approximately 130,000 foreigners were living in the new federal States. The proportion of foreigners in the population therefore continues to be substantially less than 1 per cent.

185. At the end of 1989 roughly 90,000 foreigners were employed in the GDR on the basis of intergovernmental agreements. The majority of these persons came from Viet Nam (60,000); others came from Mozambique, Angola, Cuba, Poland and China.

186. As a result of the restructuring process in the economy of the former GDR in connection with the transition to a market economy, 1991 and 1992 saw the early termination of the majority of these contracts, and over 90 per cent of the foreign workers have now returned to their own countries. If they left Germany before 31 December 1991 they received DM 3,000 as a compensation payment.

187. Between 6,000 and 8,000 workers, most of them Vietnamese, decided to remain in the Federal Republic of Germany until the time when their contract was originally due to expire. This they can do on the basis of a regulation taken over from the GDR Government in the Unification Treaty. These workers have a right to be given a work permit for the rest of their time in Germany. If they are unemployed they receive payments in accordance with the law to promote employment (unemployment benefit or assistance, job provision and retraining through the labour exchange).

188. Under a German-Vietnamese financial assistance agreement signed on 9 June 1992, those Vietnamese workers who decide to return to Viet Nam are helped to reintegrate themselves into working life and, in particular, to set up small- and medium-sized private enterprises.

189. Against the background of rising unemployment and social uncertainty, the coexistence of Germans and foreigners in the new federal States is particularly problematic. The Federal Government is concentrating its activities on providing more efficient information and on educating the public, as well as on setting up advisory structures which will take particular account of the situation of foreigners in the new Länder.

5. Access to the labour market

190. Where nationals of certain States receive preferential treatment over nationals of other States on entering the job market in the Federal Republic, it is in fulfilment of obligations arising out of bilateral and multilateral agreements. This does not constitute discrimination as proscribed in article 1, paragraph 3, of the Convention.

191. This applies, inter alia, to nationals of the European Community member States, which form a close economic community. The right of establishment and the free movement of services are among the four key "EC freedoms". On 1 January 1993 the single European market was realized, an area free of internal borders in which, inter alia, the free movement of persons applies. The Treaty on European Union, signed at Masstricht on 6 February 1992, also provides for Union citizenship for all citizens of the member States and other rights, such as the right to vote in local elections, for all Union citizens living permanently in a member State other than their own. Both that which has already been achieved and the even closer integration aimed at with the Masstricht Treaty require that in every EC member State nationals of other member States ("EC foreigners") receive the same treatment economically as the local population.

C. Damages for victims of racial discrimination

192. Under article 3 (3) of the Basic Law, all persons, including foreigners, have an enforceable right to equal treatment. Article 1 (3) of the Basic Law binds the authorities at all government levels. Thus if an individual is denied a right under public law in such a way that the precept of equality is violated, the person concerned can enforce that right with the help of the courts. There is therefore no need for special provisions on damages.

193. German civil law makes no specific provision for compensation for the victims of racial discrimination. But this does not mean that individuals are forced to accept damage sustained as a result of discrimination. Aggressive, open forms of discrimination which at the same time constitute a criminal offence provide grounds for a damages claim by the injured party even under the general provisions of civil law. In this context it should be noted that verbal discrimination alone may constitute a punishable offence and lead to a damages claim under civil law.

194. Hidden forms of discrimination in the private sector are more difficult to deal with. This can be illustrated through the difficulties faced by foreigners taking out third party motor insurance.

195. The Federal Insurance Supervisory Office (FISO) reports that it has repeatedly received complaints that German motor insurance companies are seeking to avoid supplying foreigners with motor insurance. This does not apply to all foreigners but mainly to certain groups.

196. The insurance companies' negative attitude to, above all, Turkish, Yugoslav and Greek nationals seeking insurance is based on a - statistically verifiable - considerably higher claims rate on the part of these foreign policyholders. Attempts to avoid concluding third party motor insurance

policies with foreigners of these nationalities in particular are illustrated chiefly by the following: (a) applications are accepted but only up to the amount of the statutory minimum insurance sum; (b) it is prohibited to solicit custom from foreigners; (c) an intermediary's commission is considerably lower for foreigners than for German nationals; in some cases, no commission is paid; (d) cover notes are not issued immediately: full use is made of the two-week examination period.

197. Applications for auxiliary motor insurance lines (vehicle insurance, driver and passenger insurance) are turned down, or accepted only if increased premiums are paid. This can also prevent the conclusion of third party liability policies if the foreign customer wishes to have a combination.

198. None the less, in the opinion of FISO, these procedures do not constitute an infringement of the law. In its view insurers are under no obligation to accept custom beyond the statutory minimum amount. The same applies to auxiliary motor insurance services. Neither does it feel objections can be raised to the ruling of most insurance companies prohibiting the soliciting of contracts with foreign policyholders, which is enforced with the help of reductions in commission. As FISO sees it, this cannot be compared to a direct contracting ban, which would contravene third party motor insurance law. Using the two-week grace period to the full is also allowed on principle, unless the insurer can be proved guilty of abusing the law.

199. With respect to the cancellation of third party motor insurance policies, insurers are prevented from cancelling policies upon expiry of the insurance period by the possibility of a charge of contradictory action under section 242 of the Civil Code, since a renewed application would have to be granted by law (cf. judgement of the Federal Court of Justice of 30 September 1981, 1982 insurance law, 259). The insurer, however, is entitled to invoke extraordinary cancellation if an insured event occurs. Thus, FISO takes care to ensure that no distinction is made between nationalities in in-company cancellation guidelines. If it finds evidence that foreign but not German policyholders are required to provide the first premium as a down payment - which is basically allowed (cf. section 5 (5) of the Compulsory Insurance Act) - it would have to query this as unequal treatment for no good reason.

D. Ombudsmen for foreigners

200. The ombudsmen for foreigners at national and Land level play an important part in the integration of foreign workers and their families. The office of the Federal Government's Ombudsman for Foreigners was created in 1978, and is today held by Frau Cornelia Schmalz-Jacobsen, a member of the German Bundestag.

201. The task of the Ombudsman is to support the Federal Government's policy on foreigners and make suggestions for the further development of integration policy. The aim is to strengthen and improve the coordination of integration measures, particularly at Land and community level and among different sections of the population. The Ombudsman is also responsible for promoting mutual understanding between Germans and foreigners and helping to encourage

the Governments of their countries of origin to promote the voluntary repatriation of foreign workers. Her responsibilities do not cover asylum-seekers or refugees.

202. The Ombudsman performs her duties on an honorary and non-party basis. She regularly provides the Federal Government and the general public with data and information on the situation of the foreign population. She views it as part of her task to develop proposals for smooth relations between Germans and non-Germans. She also puts out a number of publications for free distribution.

203. It is not only the Federal Government which has an ombudsman for foreigners. At Land level, too, similar posts have been established in nine of the 16 Länder (Berlin, Bremen, Hamburg, Lower Saxony and Rhineland-Palatinate, as well as Brandenburg, Thuringia, Saxony and Saxony-Anhalt). The city-state of Bremen has a central office for combating racial discrimination and hostility towards foreigners. Fifty communities across the country - not only in those Länder which already have a Land ombudsman - have also set up similar offices in their district. The Federal Government's Ombudsman promotes and coordinates regular contacts and the continued exchange of information between all such ombudsmen.

Article 6

A. Legal provisions

204. In particular the civil and criminal jurisdictions of the Federal Republic of Germany ensure effective protection against acts of racial discrimination. As stated in previous reports, the basic rights laid down in the Federal Republic's constitution, which correspond to the objectives of the Convention, are integrated into Germany's civil legislation through general clauses, thereby helping to prevent racial discrimination by private individuals.

205. On 31 May 1989, for example, in a case related to but not directly covered by the Convention, the Berlin Regional Court declared the withdrawal of a private insurance company from an insurance contract to be null and void as an infringement of article 3 (3) of the Basic Law. The court was convinced that the company had withdrawn from the contract solely and exclusively because the claimant was of Turkish nationality. Such behaviour was seen as an abuse of the law and as discrimination against the plaintiff.

206. The criminal courts of the Federal Republic afford equally effective protection against discrimination. The 21st Criminal Law Amendment Act, under which, with effect from 1 August 1985, the "Auschwitz lie" is defined as an act of slander ex officio, was explained in the tenth report.

207. The investigation by the Federal Ministry of Justice - already referred to in connection with article 4 of the Convention - covering trials for right-wing extremist activities in the years 1978 to 1987 revealed that in that period 106 sentences had been passed on the basis of article 185 in

conjunction with article 194 of the Penal Code, generally because the accused had denied the mass killing of Jews under the Hitler regime; 81.2 per cent of the offences were committed by right-wing extremists.

208. The following two summaries of sentences passed by German regional courts serve as an illustration:

Fine imposed by Landshut District Court on 27 July 1988

Background: In his capacity as regional chairman of the Landshut branch of the right-wing extremist NPD party, the accused distributed to about 60 people photocopies of a publication printed in Austria in which inter alia the death of the majority of concentration camp internees was put down to causes other than actions by the guards. In addition, the document described Simon Wiesenthal as an informer and imposter who had committed acts of character assassination and who had had numerous innocent people imprisoned as mass murderers.

Decision: Guilty of incitement to hatred and violence against sections of the population by attacking their human dignity as well as slander in the same offence.

Penalty: Fine totalling DM 4,500 in 90 daily instalments of DM 50.

Final judgement of 27 January 1988 by Nidda District Court

Background: The accused is a 46-year-old teacher who distributed from a grammar school a leaflet produced by himself in which he claims inter alia that there was scientific evidence to disprove the "gas chamber dogma" of the extermination of the Jews. Overall the accused disputed the fact of the systematic mass extermination of Jews during the Nazi regime.

Decision: Guilty of slander.

Penalty: Fine totalling DM 1,200 in 30 daily instalments of DM 40. Following a psychiatric examination, it was said in the accused's favour - thereby reducing his fine - that it could not be ruled out that he was suffering from mental illness in the form of psychopathic tendencies. The appeal against this verdict lodged by the accused was rejected by the regional court of appeal.

209. In Germany, statements denying the genocide practised by the Nazi regime against the Jews are also punished outside the field of penal law. Thus, in a judgement of 28 September 1990 the Federal Administrative Court deemed remarks to that effect made by a naval officer of the Federal Armed Forces during a private visit to the United States of America to be a serious disciplinary offence justifying dismissal. The Federal Administrative Court argued that the officer's statements constituted misconduct which made his continued service completely untenable.

B. Racist attacks

1. Background

210. In 1991, the Federal Criminal Police Office reported a total of 2,427 offences against foreigners, including 326 cases of arson and 239 attacks on individuals. Extensive material damage was caused by some of these offences. Furthermore, one foreigner was fatally injured in each of Dresden, Friedrichshafen (Baden-Württemberg) and Saarlouis (according to the relevant authorities, the death of a 19-year-old Turk in Berlin on 13 November 1991 was not connected with racist riots).

211. The Federal Government has detailed information for 1991, which covers all offences committed against foreigners, since the term "racist" is not used as a basis for differentiation. Between 1 January and 3 December 1991, 776 suspects were reported to the Federal Criminal Police Office in connection with attacks on foreigners and their accommodation. The police have remanded 387 of the known offenders in custody.

212. The police make full use of their staffing and material resources to protect foreigners' lives, health and accommodation in the Federal Republic of Germany within the scope of the applicable legislation. None the less, as in other fields of crime, absolute protection is not possible.

2. Government measures to combat riots

213. The continuing violent attacks on foreigners and asylum-seekers have been condemned time and again by the Federal Government, including the then Federal Minister of the Interior, Dr. Wolfgang Schäuble, during the parliamentary discussion of 18 October 1991. At the same time the Federal Government recognizes the need to take all possible steps to prevent further acts of violence and to prosecute offenders with all available legal means.

214. Dr. Rita Süssmuth, President of the German Bundestag, made the following statement on "violence against foreigners" in the German Bundestag on 10 October 1991:

> "Ladies and gentlemen, despite all appeals by the State, churches, political parties and other groups against hostility towards foreigners and racism, there is no end to the chain of brutal violence against foreigners seeking refuge or living in our country.
>
> "We condemn intolerance and violence, and are taking decisive steps to combat acts of violence. Violence causes injury and generates a climate of fear, intimidation and isolation. It is a violation of fundamental human rights. [General applause.]
>
> "In view of these brutal acts of violence, the German Bundestag sides with those under attack and those who seek to protect them, in a spirit of solidarity: [General applause.] the police, neighbours, committed citizens, but also churches, trade unions and employers.

"We parliamentarians will not permit a small minority of those who come to us as refugees and trust in the prevalence of the rule of law here to be met with hatred and xenophobia. All parties represented in the German Bundestag agree on this, even though there are differing views on ways of overcoming the problems resulting from the ever-growing number of asylum-seekers and refugees.

"But we must also address the difficulties faced by our citizens in municipal and rural communities; for where there is a lack of accommodation, for example, this results in tension and rejection. We must therefore decide on policies to actively mitigate the existing conflicts.

"We must apply all our resources to ensuring that Germany remains a country that is well disposed to foreigners. We want to live together with our foreign neighbours in a spirit of peace, openness and respect for each other. [General applause.] There is no justification and no excuse for the violence of recent weeks and days. Those who commit acts of violence, who throw stones and start fires, cannot expect people to be understanding. They are committing offences which must be unrelentingly prosecuted.

"Particularly due to our terrible experiences during the period of National Socialism, we are aware of the fundamental importance of political asylum for those who are persecuted for racial, political and religious reasons. One of our central tasks as the German Bundestag is to ensure that fundamental human rights are given the respect demanded by our constitution, and that the internal peace of our country remains intact."

215. By and large, the preventive protection of foreigners and criminal prosecution measures are the responsibility of the Länder. None the less, to ensure a nationally unified, decisive approach, at the suggestion of the Federal Ministers of the Interior and Justice, the respective Land ministers discussed these problems in detail at a special joint session on 17 October 1991 and adopted a set of measures which are at present being implemented by the Federation and the Länder, or have in some cases already been realized. These cover the stepping up of police measures to protect the accommodation of foreigners and resettlers, more extensive exchange of information between the security authorities, and improved methods of obtaining information, not least with the aid of the intelligence services.

216. To prevent further offences of this kind, moreover, the risk for offenders is to be greatly increased through speedy and consistent punishment as a stronger deterrent.

217. In addition, efforts are to be made to combat extremism and xenophobia through an extensive information campaign involving ombudsmen for foreigners, schools, churches and other associations. The complete text of the decision by the special joint session is attached as annex 7.

218. The Federal Government has also intensified its efforts - begun at various levels years ago - to promote intellectual and political discussion on the phenomenon of extremism and violence, paying due attention to the special situation in the new Länder.

219. Countering nascent xenophobia has long been an important element of the Federal Government's policy on foreigners; thus for over 40 years, for example, government youth promotion measures have been aimed at strengthening the basic values of democracy and freedom, thereby recognizing the dignity of man and eliminating discrimination. These goals are put into practice in a wide variety of promotion measures, e.g. political education, youth club work, youth social work and international youth exchange. In 1991 the Federal Government raised the youth budget from DM 133 million to DM 180 million. These additional funds are being used to promote the development of democratic youth aid and youth work structures in the new Länder. A further DM 30 million were provided for holiday and contact measures for young people from the new and old Länder and for special holidays for children from the Chernobyl area. In 1992, a special youth programme with funds totalling DM 50 million was introduced to develop independent youth organizations in the new federal States. For 1992 to 1994, the Federal Ministry for Women and Youth is furthermore preparing a programme to counter violence with a budget of DM 20 million (1992) in order to develop structures and encourage activities in the new Länder which are specifically geared to preventing and combating the spread of extremism and violence.

220. On 27 October 1991, Dr. Klaus Kinkel, the then Federal Minister of Justice, made the following remarks on the involvement of young people in hostility towards foreigners and right-wing extremist behaviour:

> "It is not sufficient to condemn right-wing extremist attacks and violence against foreigners. Punishment is not the only possible response. We must also try to look into the motivation of many young people: many lack long-term plans for the future; particularly in the new Länder, the stability - at least externally - of the social environment is breaking up, most of their previous values are being questioned, and many are no longer managing to cope with their own situation in a social and natural environment which is becoming increasingly problematic for young people. This has nothing to do with right-wing extremist convictions. All relevant political and social powers are called upon to eliminate the social causes for the xenophobic and violent behaviour of young people. Social assistance and promotion measures for those concerned are urgently called for."

221. Attacks on and offences against foreigners are not confined to the new Länder. The motivation of young people in both east and west appears basically to be identical. None the less, the situation in the new Länder is considerably aggravated by the social problems, the personal insecurities and the removal of all valid yardsticks of the youth of the GDR, who until recently were extensively monitored and spoon-fed.

222. An important reason for the involvement of minors and young adults in riots is the increased difficulty of making long-term plans and society's present tendency to break up formerly stable social environments and their

values. The resulting void is increasingly filled by the idea of authoritarian orders with simplistic, right-wing extremist behavioural patterns, which become more and more attractive to them.

223. The main cause of the negative behaviour of many minors and young adults is their lack of control over their own circumstances. In an increasingly complex social and natural environment, the lives of young people are increasingly problematic. Their social circumstances are characterized by the following problems: their marginal position in society; uncertainty about the future; failure at school; interrupted education; unemployment; lack of money; lack of independent accommodation, and lack of meaningful leisure opportunities.

224. Surrounded by all these deficits, young people perceive the growing number of foreigners in the population as competition and as a threat to their own social situation. The response is simplistic right-wing extremist slogans, actionism and aggression. These generate fear and jealousy towards the supposed competition from foreigners, the search for clear, emotional value systems with simple authoritarian behavioural patterns, the need for variety, adventure, excitement and stimulation, as well as affection and attention (Nazi symbols, shaved heads, bomber jackets), the search for scapegoats that are as weak as possible, and, finally, extreme violence as a way of solving conflicts.

225. The Federal Government has commissioned the Institut zur Erforschung der Informationsgesellschaft (research on the information-based society) to conduct an empirical demoscopic survey of young people, including questions on young people and violence.

226. The decision taken by the joint conference of Ministers of the Interior and Justice on 17 October 1991 provided inter alia for a criminological investigation into the reasons for xenophobic offences. This will take the form of a research project by the sociology faculty of the University of Trier on the subject "Offences against foreigners - an examination of incidence and perpetrators". Police and court records (charges, decisions) will be evaluated to identify the socio-demographic and biographical characteristics and motives of the suspects/perpetrators which emerged during the trial and influenced the court's decision.

227. Many attacks were marked by the presence of skinheads, whose behaviour was particularly violent. It is feared that these groups will develop increasingly right-wing extremist tendencies; their attacks are frequently motivated by underlying xenophobic feelings. So far no central organization of violent riots against foreigners by right-wing extremists is discernible.

228. Generally it can be said that the judicial authorities aim towards - and are often successful in - punishing offenders firmly and promptly and that they have the organizational infrastructure to do so. In Berlin, North-Rhine/Westphalia and Thuringia special departments have been set up in the public prosecutors' offices. A (standing) special commission on right-wing extremism (Soko REX) was set up in Saxony. And in Brandenburg the cases are dealt with by special staff.

229. Information on individual Länder is given below. As will be seen from the number of judgements passed, German penal law provides an adequate framework for effective protection against racist acts.

Baden-Württemberg

230. Offences are investigated with great determination and preliminary inquiries are carried out quickly and concluded as soon as possible. Large rewards (ranging from DM 10,000 to DM 50,000) have been offered in many cases to solve crimes against foreigners. In addition the public was in many cases asked for helpful information through appeals in the press. So far cooperation between the public prosecutor's office and the police has gone off smoothly.

Bavaria

231. In 34 preliminary and criminal proceedings a total of 20 offenders (the vast majority minors and young adults) have been identified; 14 of them have already been convicted (as at 31 August 1992).

Berlin

232. No proceedings relating to collective violent attacks on foreigners or ethnic Germans have been initiated by the prosecutors. The public prosecutor's office at Berlin regional court set up a special department in 1990 to deal with such offences. This department enjoys close cooperation with the police.

Brandenburg

233. Proceedings against right-wing radicals are in the hands of special staff and, where possible, given priority. In many cases it has been possible to bring charges within a few days or weeks. In one case (an arson attack on Ketzin foreigners' hostel) the perpetrators, who had confessed, were charged with attempted murder after 12 days. Rewards are offered where appropriate and in line with the general criteria. The courts' press departments report to the public, if necessary more than once, emphasizing outrageous aspects of the offences. The prerequisites for the issue of an arrest warrant are examined particularly closely by the public prosecutor's office, with recourse to all necessary legal remedies. In the interests of rational, constitutional reactions on the part of the judiciary, however, there is no call for an unconsidered tightening of the prosecution regulations with respect to penalties and imprisonment. For this reason only limited use is made of accelerated proceedings (section 212 of the Penal Code).

Bremen

234. According to information from the judicial administration in Land Br[illegible], the organizational prerequisites for the effective resolution of this type of offence are in place. For instance, a special department has been set up in the office of the public prosecutor. The public prosecutors are instructed to carry out preliminary investigations quickly, resolutely and with priority, and to demand strict penalties. Bremen's public prosecutor has offered a

reward of DM 3,000 for information leading to the conviction of those responsible for attacking foreigners' hostels and has informed the public about the legal penalty for arson. The local press is given detailed information about relevant trials.

Hesse

235. Hesse has stated that the decisions of the joint conference of Ministers of the Interior and Justice have been implemented in full. To this end talks took place in November 1991 and early September 1992 between the heads of the public prosecutor's office and police commissioners. Close cooperation between the police and the public prosecutor's office on racially motivated offences is guaranteed.

North-Rhine/Westphalia

236. Between January and July 1992, 31 minors, youths and adults were sentenced to between six months' and five years' imprisonment or juvenile detention, in nine cases without probation, for arson attacks on foreigners' hostels.

237. The average time-lapse between the offence and sentencing was just six to nine months; despite a heavy workload, the courts conclude cases remarkably quickly. Most trials involve only a few days in court. The public are given wide-ranging, detailed information on the proceedings.

238. Where required by the offence, the cases are handled by special departments with experienced prosecutors specializing in this area.

Rhineland-Palatinate

239. Sixty-four investigations have been carried out to date in connection with xenophobia. In 33 of these the perpetrators were unknown. The other 31 cases involved a total of 118 accused.

240. The majority of the proceedings against unknown persons have now been closed. Seventeen preliminary investigations resulted in 18 charges being brought against a total of 71 persons and a petition for a penal court order being made for one person. Eleven investigations are still under way. Sentences or orders imposing punishment have been passed on 27 people.

241. The time from offence to bringing the charge applying for sentence was between 5 and 10 months; in virtually all cases the lapse between offence and judgement/sentence was less than 12 months.

Saxony

242. Saxony's criminal investigation department set up a (standing) special commission on right-wing extremism (Soko REX) in 1991. The aim of the intensive investigations which are made in close cooperation with the public prosecutors is to put permanent pressure on right-wing extremist ringleaders in particular. Thus over 100 accused were identified immediately after

the offences had been committed. In September 1992 a search took place in 15 towns, 109 flats being searched. The press are specifically informed about prosecutions of right-wing extremists.

Saxony-Anhalt

243. In connection with offences with right-wing extremist motivation, 294 people were taken into police custody and 22 detained provisionally. Seven people were imprisoned for attempted murder, fire-raising with intent to cause injury, disturbance of the peace, etc.

244. The Saxony-Anhalt judicial authorities provided no further figures but did refer to the poor training and equipment of the police and to the fact that offering a reward is of no use in such cases. They said it had also been shown that the definition of disturbance of the peace (section 125 of the Penal Code) was too narrow and that the prerequisites for detention, especially of minors and youths, could in most cases not be met.

Thuringia

245. Charges of extremist violence have so far been brought against 155 people: 28 have been found guilty, 1 acquitted. Attacks on foreigners' hostels have to date not been recorded separately.

246. In one case the time from the commission of the offence (arson attack on an asylum-seekers' hostel) to the bringing of the charge was 20 days, and another 7 days elapsed before the person was sentenced to several years' imprisonment. The press are kept informed where appropriate.

247. Special departments for these cases have been set up at all public prosecutors' offices. The Interior and Justice Ministries jointly review the situation each week.

Mecklenburg-Western Pomerania

248. There have been prosecutions in connection with attacks on the central reception point for asylum-seekers in Rostock/Lichtenhagen from 21 to 26 August 1992. According to information (18 September 1992) from the judicial authorities, 370 provisional arrests were made in this connection (the suspects were mainly from the new federal states); 407 investigations were started, 292 for disturbance of the peace and, in 2 cases, also for attempted murder. Only one investigation concerns persons unknown.

Information campaign

249. On 22 May 1992 the conference of Ministers of the Interior and Justice decided to counter extremism and xenophobia through a nationwide information campaign directed at all sections of the population. The Federal Ministry of the Interior was to implement the following measures before the end of 1992: (a) development of educational materials for schools; (b) advertisements in certain youth papers to reach children out of school; (c) seminars for

multipliers, e.g. in teacher-training, youth work and in the school and youth press; (d) preparation of brochures on the subject "Right-wing extremism and xenophobia".

250. In addition, the Federal Centre for Political Education has implemented a whole series of measures and discussed the problem of violence, right-wing extremism and xenophobia in magazines, seminars and further-training events.

Article 7

251. As stated in the tenth report, the Government of the Federal Republic of Germany takes various steps to combat racial prejudice through education, culture and information. The comments on article 6 are relevant here.

A. School education

252. Particular value is attached to educating children in school to have respect for human rights.

253. Under the Federal Republic's federal system, school education is the responsibility of the Länder. The Länder are agreed on the importance of education for preventing/reducing xenophobia. A "Recommendation of the Standing Conference of the Ministers of Education and Cultural Affairs on the Promotion of the Teaching of Human Rights in School" was released on 4 December 1980 (see CERD/C/172/Add.13, para. 62). This recommendation has been implemented in the Länder by appropriate inclusion of the subject of human rights in school curricula. In particular, education relating to respect for human rights has been integrated into social studies and history lessons and taken into account in teachers' in-service and further-training courses.

254. In addition, the Federal Republic of Germany presented in 1983 a report on the implementation of UNESCO's Recommendation concerning Education for International Understanding, Cooperation and Peace and Education relating to Human Rights and Fundamental Freedoms. The report, in whose production the Standing Conference of the Ministers of Education and Cultural Affairs of the Länder played a major role, was the subject of discussion at the Intergovernmental Conference on that topic held in Paris from 12 to 20 April 1983.

255. Further steps towards combating racial discrimination are the joint national/Land pilot projects promoted by the Federal Ministry of Education and Science for over 15 years, which aim to integrate foreign children into the German educational system. These projects are guided by the principle of integration while preserving the child's cultural identity. They cater for the entire educational span from pre-school to university level, and cover help with integration into the German educational system, access to recognized qualifications, development and testing of curricula and teaching materials, basic and further training for specialists as well as promotion of mother-tongue teaching. The extensive material and conceptual effort spent on these broad-based measures has played a major part in ensuring great improvements in educational conditions for foreign children and young people in all educational spheres. Gradually, the second and third generations of

foreigners are benefiting from normal schooling; this is due in particular to the positive results of the many diverse pilot projects promoting foreign children and young people. These promotional measures have had a positive effect beyond the group of their immediate beneficiaries and have enhanced mutual understanding and recognition as a whole, across a broad spectrum of society.

256. There are in the Federal Republic of Germany national schools with foreign sponsors. These are a Hungarian grammar school in Kastl (Bavaria), a Latvian grammar school in Münster (North-Rhine/Westphalia) and a Lithuanian grammar school in Hüttenfeld über Weinheim (Hesse). Foreign-sponsored schools also include the Lycée français in Bonn, which is controlled by the French Ministry of Education. These foreign-sponsored national schools are entirely independent and outside the scope of the German education authorities. The majority of the pupils at the schools are children of foreign workers and children with dual nationality. There is also a Greek grammar school and a school for the children of British military personnel.

257. There are also a number of German schools which give bilingual tuition starting in the fifth class. Lessons are taught by specially qualified teachers. Each school generally has only one branch and is under German control. There are already German-English, German-French, German-Italian, German-Spanish, German-Russian and German-Greek schools. Such schools exist in all the western Länder. Most of them are normal German grammar schools with special programmes. In North-Rhine/Westphalia there exist about 40 German-French and roughly 100 German-English schools.

B. Non-school education

258. The Länder and municipalities train a large proportion of their employees themselves. This training includes regular coverage of human rights issues, as do further training courses. In particular, training which deals with topical matters relating to foreigners is given to employment exchange and welfare office staff, as well as the police. The ombudsmen for foreigners also attend some of these events.

259. One of the most important services offered by the Länder and districts is the provision of public hospitals. The sick in particular are especially sensitive to discrimination. Here, too, training focuses on encouraging respect for human rights. Training for the medical professions takes place by and large in Land and district facilities. Ethnic questions and human rights are included in the curricula. There is express provision for this in national and Land regulations on the training of nursing staff.

LIST OF ANNEXES*

Annex

1. Treaty of 31 August 1990 between the Federal Republic of Germany and the German Democratic Republic on the Establishment of German Unity (in German, English and French) ("Unification Treaty")

2. Law of 28 April 1992 on Compensation for Victims of National Socialism in the Acceding Territory

3. Rechtsextremismus und Strafrechtspflege (Right-wing extremism and criminal justice), report by H. Kalinowsky (third edition, 1990)

4. Excerpts from the Law on the Federal Constitutional Court as promulgated on 12 December 1985

5. Sample issues of Arbeitsplatz Deutschland, quarterly periodical published in seven languages

6. Sample issues of Ausländer in Deutschland, quarterly information brochure

7. Decision adopted by the special joint session of the ministers of the interior and justice of the Länder on 17 October 1991

8. Total number of foreigners in the Federal Republic of Germany: statistics by country of origin (as at 31 August 1992)

9. Increase in the number of foreigners in the Federal Republic of Germany: statistics 1950-1992

10. Letter dated 2 October 1991 from the President of the Dresden Parliament to the offices of road construction of Saxony and the local offices of the regional department of works (concerning road signs in German and Sorbian)

11. Law of 23 March 1948 on the preservation of the rights of the Sorbian population

12. First implementing regulation, dated 11 January 1951, of the Law of 23 March 1948 on the preservation of the rights of the Sorbian population

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* These documents may be consulted in the files of the Secretariat. With the exception of annexes 1 and 5, they are in German only.

13. Excerpt from the School Law of Saxony of 3 July 1991

14. Order of the Ministry of Culture of Saxony of 22 June 1992

15. Constitution of the Free State of Saxony of 27 May 1992 (excerpt)

16. Constitution of Land Brandenburg of 8 October 1992 (excerpt)

17. Sample issue of Demokratie - Rechtsstaat - Gewalt

18. Extremismus und Fremdenfeindlichkeit (Extremism and hostility to foreigners), vols. I and II (published by the Federal Minister of the Interior, October 1992)